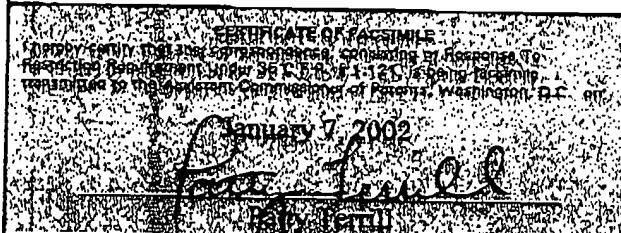


1/12/02

#7 J. Gray

Patent Docket P1748R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of DeSauvage, F. et al. Serial No.: 09/692,504 Filed: October 18, 2000 For: TYPE I CYTOKINE RECEPTOR TCCR	Group Art Unit: 1644 Examiner: Roark, Jessica H.
	

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 C.F.R. §1.121

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated December 11, 2001, please consider the election and remarks.

Election:

Applicants received a Communication from the U.S. Patent and Trademark Office dated December 11, 2001 which contained a requirement for restriction in connection with the application captioned above. More specifically, the Examiner has required a restriction under 35 U.S.C. § 121 of one of the following inventions:

Group I: Claims 1-5 (in part) and 6, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is a small molecule, classified in Class 514, subclass 1;

09/692,504

Patent Docket P1748R1

Group II: Claims 1-5 (in part), 7 (in part) and 8, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is an **RNA antisense oligonucleotide**, classified in Class 514, subclass 44;

Group III: Claims 1-5 (in part), 7 (in part) and 9, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is an **DNA antisense oligonucleotide**, classified in Class 514, subclass 44;

Group IV: Claims 1-5 (in part) and 10, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is a **TCCR variant lacking biological activity**, classified in Class 424, subclass 184.1;

Group V: Claims 1-5 (in part) and 11-13, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is an **antibody or antibody fragment**, classified in Class 424, subclass 130.1;

Group VI: Claims 1-5 (in part) and 14, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is a **TCCR ligand**, classified in Class 424, subclass unknown, possibly 85.1;

Group VII: Claims 15-20 (in part) and 21, drawn to a method of inhibiting differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR agonist that is a **small molecule**, classified in Class 514, subclass 1;

Group VIII: Claims 15-20 (in part), 22 and 26, drawn to a method of inhibiting differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR agonist that is a **TCCR polypeptide or variant thereof (including TCCR ECD) having biological activity**, classified in Class 424, subclass 184.1;

Group IX: Claims 15-20 (in part) and 23-25, drawn to a method of inhibiting differentiation of T cells into a Th2 subtype or treating a Th1-mediated

09/692,504

Patent Docket P1748R1

disease by administering/contacting with a TCCR agonist that is an **antibody or antibody fragment**, classified in Class 424, subclass 130.1;

Group X: Claim 27, drawn to a method for determining the presence of a TCCR polypeptide in a cell using an anti-TCCR antibody, classified in Class 435, subclass 7.1;

Group XI: Claim 28, drawn to a method for diagnosing by detecting the level of a gene encoding a TCCR polypeptide, classified in Class 435, subclass 6; and,

Group XII: Claims 29-34, drawn to a method for identifying a compound capable of inhibiting expression or the biological activity of a TCCR polypeptide, classified in Class 435, subclass 7.8.

Applicants hereby elect to prosecute the invention of Group V, Claims 1-5 (in part) and 11-13, drawn to a method of enhancing differentiation of T cells into a Th2 subtype or treating a Th1-mediated disease by administering/contacting with a TCCR antagonist that is an antibody or antibody fragment.

REMARKS

Applicants respectfully point out that the Restriction Requirement mistakenly noted Groups 1-13, when only twelve (12) Groups were identified. Group IX was inadvertently omitted by the Examiner. Thus, the Groups as noted above in the instant Election represent the correct numbering for the Groups (*i.e.* Groups 1-12).

Applicants reserve their rights to file divisional applications for the non-elected claims, as well as any other matter disclosed in the present application which is not encompassed by the elected claims.

Genentech, Inc.
Genentech, Inc.
Genentech, Inc.

FACSIMILE TRANSMITTAL

1 DNA WAY
South San Francisco, CA 94080
(415) 225-1000
Facsimile: (650) 952-9881

OFFICIAL**CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this "RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 C.F.R §1.121" is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Patty Terrill
Type or print name of person signing certification

Signature Patty Terrill

Date: January 7, 2002

DATE: January 7, 2002

Please deliver the following page(s) to:

NAME: Assistant Commissioner of Patents
Washington, DC 20231

Fax No.: 1-703-305-3014

FROM: Atulya Agarwal *AK*
Registration No.: 40,887

RE: U.S. Serial No.: 09/692,504
Our Docket No.: P1748R1

Number of Pages including this cover sheet - 5

CONFIDENTIAL NOTE

The documents accompanying this facsimile transmission contain information from GENENTECH, INC. which is confidential or privileged. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us and the retransmission of them to the intended recipient.

If you do not receive all pages, please notify Patty Terrill at (650) 225-3216

FAX RECEIVED**JAN 07 2002****GROUP 1600**